

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN EARL CAMPBELL,

Plaintiff,

vs.

No. C05-05434 MJJ

NATIONAL RAILROAD PASSENGER
CORPORATION, dba AMTRAK;
JOE DEELY,

Defendants.

CERTIFIED
COPY

Deposition of
MARK CARL SCHULTHIES

March 22, 2007

Reported by:

MERRY C. GESNER

CSR No. 8819, RMR

Job No. 56091

BE IT REMEMBERED That on Thursday, March 22,

2007, commencing at the hour of 10:48 a.m., at 801 K Street, Suite 2300, Sacramento, California, before me, Merry C. Gesner, a Certified Shorthand Reporter in the State of California, personally appeared

MARK CARL SCHULTHIES,

a witness called by the Defendants National Railroad Passenger Corporation in the above-entitled action, who, having been duly sworn by the Certified Shorthand Reporter to tell the truth, the whole truth, and nothing but the truth, testified under oath as follows:

--o0o--

EXAMINATION BY MR. JONES

Q Good morning, Mr. Schulthies. Even though we've been chatting this morning, I just want to for the record introduce myself.

My name is James Jones, and I'm the attorney representing Amtrak in this case. It's the case of John Earl Campbell vs. National Railroad Passenger Corporation, doing business as Amtrak.

Could you please for the record state your full name and spell your last?

A Mark Carl Schulthies, S-C-H-U-L-T-H-I-E-S.

Q Okay. What I'd like to do to begin is to run

1 fifty-pound man.

2 Q That probably narrows it down a little.

3 A You know, I can't remember his last name. I
4 don't know why it escapes me.

5 Q Any particular position he held?

6 A Yeah. He was the general foreman.

7 Q Okay.

8 A All those guys were general foreman.

9 Q All right. Anyone else besides Mike Fabian
10 and, I think --

11 A Mike Bordenay. I don't know how to spell his
12 name.

13 Q Okay. Anyone else?

14 A That's the principals.

15 Q Okay. Now, I know -- I know I'm trying to
16 get you to dredge up memories from a while ago, but can
17 you remember ever getting any complaint from Lou
18 Bellotti himself, where it became evident to you that
19 Lou's complaint was based somehow on Mr. Campbell's
20 race?

21 A Yes.

22 Q What do you recall?

23 A Well, I had lots of trouble with Lou. As --
24 he was mechanical, and I was transportation, and he had
25 a different set of priorities than the transportation

1 people did, and we had to work together to get the
2 trains out on time. That was our common mission.

3 And he liked to point to areas of blame.

4 He'd blame it on -- he would like to assign blame,
5 which would absolve him from trouble. I think that's
6 common with human beings. He would try to blame others
7 for different things.

8 And he liked to kind of, like -- well, in --
9 and it's -- it was the plantation mentality. He -- you
10 know, he kind of acted like he was the lord and master,
11 and everybody beneath him wasn't as competent, and
12 wasn't as good as him and his managers.

13 And then this was prevalent with the
14 mechanical department, and that the people -- and they
15 were generally African Americans -- weren't somehow as
16 intelligent, or -- and they had to be -- they -- when
17 they were left to themselves, they couldn't make their
18 own decisions. They made poor decisions in these white
19 foremen's absence.

20 And I found that offensive, because I didn't
21 have that problem. For example --

22 And then the conflict between Lou and John
23 was, is, at night, John Campbell was the foreman. John
24 Campbell was my representative. You know. He was in
25 charge as far as the transportation department was, and

1 he called the shots. I trusted John, you know, after a
2 period of time.

3 John is physically big, and he is an African
4 American. Didn't make any difference to me. He was
5 good.

6 And Lou's attitude towards his own employees
7 would transfer into my -- the people that worked with
8 me in my department, and he just had real trouble --
9 Lou always had trouble with John making decisions.

10 And that's what we paid him for, is, John was
11 very competent. He could make the decisions.

12 And then the trouble between Lou and I was, I
13 would always support John's positions, and he would try
14 to get me to undermine John. That was the dynamic that
15 I recall.

16 Q Okay. I want to try to zero in on a couple
17 of comments you made, and then -- and then look back to
18 Mr. Bellotti.

19 You made a comment that this attitude that
20 existed in the mechanical department, that -- that
21 others didn't do their jobs as well, was prevalent, and
22 what I'm wondering is, aside from Mr. Campbell, was
23 there anyone else who you thought had become sort of a
24 focus of this blame that was coming from the mechanical
25 department?

1 A Sure.

2 Q Who else were they targeting, do you think?

3 A They targeted the African American
4 electricians.

5 Q Can you give me any particular names?

6 A No. See, they worked for a different
7 department, but -- and then the coach cleaners were
8 predominantly African American, and, you know, they
9 were always faulting the coach cleaners for not doing a
10 good enough job. Mechanical. And -- You know.

11 And that's the -- that's the -- the
12 population down in Oakland, it's mostly African
13 American, that's the people that live there, and so
14 most of the people that work there, you know, I'd say,
15 about sixty percent, maybe seventy percent, were black,

16 And so the predominant work force in Oakland
17 is black, but they don't hold any positions of
18 authority. They were never allowed to hold any
19 positions of authority.

20 And John, the problem I had with John is that
21 John was in a position where he really had some, you
22 know, authority at night, and I would support him,
23 because -- you know, and it didn't have anything to do
24 with his race. He was just good, just like anybody.
25 You know, he was good.

And so they didn't -- that -- that was not --

and it came down from the top -- came down from our division superintendent. He had the same attitudes towards, you know, women and black people and Mexican people, and -- you know, that somehow that there was in -- you know, they were all right as workers, but as bosses, they weren't good bosses.

Q Now, you mentioned that was the division superintendent?

A Yeah.

Q And who was that?

A Joe Deely.

Q Okay. All right. I don't want to cut you off. I do want to know what -- you know, what you know, so from what I'm understanding, the mechanical department focused its -- its blaming on electricians, coach cleaners, John Campbell. Any -- anyone else that you can recall?

A Well, you know, that -- or any Union Pacific Railroad, because they were the contractors for the locomotives, and that was the easy one to blame, because they didn't work for Amtrak. They were a contractor --

Q Okay.

A -- and, you know, they were generally used as

1 Q Okay. Then, when you mentioned that you
2 would commonly hear complaints from the mechanical
3 department about Mr. Campbell, would the complaints
4 come from others who included those of African American
5 race?

6 A No.

7 Q Okay. So the complaints came from the people
8 that you're referring to as the bosses?

9 A That's right.

10 Q Okay. So now if -- if I focus my attention
11 on the people who were making complaints that you
12 believe are in part related to Mr. Campbell's race,
13 would the list be Mr. Chappel, who we've already talked
14 about, Mr. Bellotti, Mr. Fabian, Mr. Bordenay, and this
15 gentleman by the name of Jerry?

16 A Yes.

17 Q Okay. And what about Joe Deely? Did you
18 ever hear Joe Deely ever make any comments at all about
19 Mr. Campbell that you felt were --

20 A Yes.

21 Q -- they were race related?

22 A Yes.

23 MR. JONES: Let me -- I'm not -- I -- caution
24 may be the wrong word, but let's be mindful of the fact
25 that you're talking about something that I completely

1 understand is an emotional subject, and I think you've
2 got information that you feel like you need to share
3 with us, but what's happening is, you're predicting
4 where my questions are going, and you're answering
5 before I even finish.

6 MR. MOORE: I don't think so. I object to
7 that comment. The witness is doing quite well in his
8 answers.

9 MR. JONES: Well, I'm not objecting to his
10 answers.

11 I'm just saying, if you could do your best to
12 let me finish my questions before you begin to answer,
13 and if you do jump the gun, we'll just -- you know,
14 it's no big deal, we'll just restate the question. I
15 just don't want you to have to cover ground twice. All
16 right?

17 THE WITNESS: Okay.

18 Q (By Mr. Jones) So, Mr. Deely, let's go
19 back to Mr. Deely. You made a comment that you heard
20 Mr. Deely make statements that in some way related to
21 race when he was talking about Mr. Campbell; is that
22 right?

23 A Yes.

24 Q Can you tell me what you remember?

25 A I remember a conference call, it was via the

1 phone, where Mr. Bellotti was complaining about things
2 that happened at night. Specifically -- and I can't
3 remember you know, the detail -- but the person he was
4 complaining about was John Campbell.

5 Mr. Deely wanted to hear my side of it,
6 because I was responsible for John Campbell. I forget
7 what I said specific with -- you know, whatever --
8 whatever Lou said, but I remember the one thing that
9 Joe said that I got upset with, is, Joe said, after I
10 had finished talking, "Mark, you understand that it's
11 your responsibility to keep him, John Campbell, in his
12 place."

13 To which I kind of jumped and said, "What
14 place is that, Joe?"

15 And he says, "You know."

16 And I said, "No. I would like you to tell
17 me. What place? Because obviously, we don't
18 understand one another."

19 And he says, "I'm not going to spell it out.
20 Everybody down there understands what I'm saying."

21 And I said, "I'm sorry, but I don't
22 understand."

23 But he never did answer me directly.

24 But you understand -- the feeling was, is
25 that I was supposed to squash him or something. I

1 don't know.

2 Q Okay. Are there any other comments you
3 recall from Mr. Deely that were, you know, in your mind
4 similar to that?

5 A Yes.

6 Q Can you tell me what they were?

7 A People not knowing their place was a common
8 theme. He said that many times. And predominantly
9 when it involved African American or female employees.
10 That people didn't know their place, and it was my job
11 to put them in their place. I think that's about as
12 explicit as he got.

13 Q Okay. And -- and these other comments about
14 people not knowing their place were directed at
15 employees other than Mr. Campbell?

16 A Yes.

17 Q Okay. Do you remember anyone in
18 particular --

19 A Yes.

20 Q -- who it may have been directed at?

21 A Yes.

22 Q Who was it?

23 A Cynthia Hubbard.

24 Q Okay. Is Ms. Hubbard African American?

25 A She's part. I think. I think she's Puerto

1 to badger you, that's not what I'm trying to do; just,
2 when I leave the deposition today, I want to know that
3 I've gotten what you know out of it.

4 Any other incidents or statements that you
5 can recall in the workplace that you thought -- that
6 you observed someone doing something that was racially
7 biased?

8 A In terms of what?

9 Q Anything. I mean, you've talked today about
10 how the mechanical department would make racially
11 biased statements about the car men, about the coach
12 cleaners, the electricians, Mr. Campbell, people that
13 work in the commissary.

14 You've talked about Jerry and his attitudes,
15 Mike Bordenay, Mike Fabian, Lou Bellotti, Joe Deely,
16 and all of those, I think, were connected by a common
17 theme; that there was something racially motivated in
18 the statements or the events.

19 Can you think of anything else that
20 demonstrated in your mind any kind of racial bias?

21 A Yes, something just popped into my mind.

22 Q Okay.

23 A I was in the office, and I -- I shared the
24 office with a guy by the name of Tom Oughton.
25 O-U-G-H-T-O-N. He was also a service manager.

1 And John had made application for engine
2 service, to become an engineer, and we were holding
3 interviews, and it was our job to get these interviews
4 lined up, and to prescreen applicants for engine
5 service.

6 And I distinctly remember Tom telling me that
7 he did not want John Campbell to be an engineer, and I
8 queried him why, because I felt that he was -- you
9 know.

10 And he said he wasn't intelligent enough,
11 and he said that he didn't know his place, and he was
12 not going to reward an uppity nigger with a better job.
13 Period.

14 And me and him had a big fight over that. A
15 big fight.

16 Q Okay. Now, those are -- those are some
17 pretty bad words.

18 A Yes.

19 Q That's something you have a real specific
20 recollection of?

21 A Yeah. Because it was so outrageous.

22 Q Okay. Now, tell me a little bit about
23 Mr. Oughton. What was his position?

24 A He was a service manager at Oakland.

25 Q Okay.

REPORTER'S CERTIFICATE

I certify that the witness in the foregoing deposition,

MARK CARL SCHULTHIES,

was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled case; that said deposition was taken at the time and place named herein; that the testimony of said witness was reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed under my direction into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the case named in said caption.

Dated March 27, 2007.



MERRY C. GESNER
Certified Shorthand Reporter
State of California
Certificate No. 8819

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Q Now, you mentioned that was the division
superintendent?

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Q And who was that?

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17 Q Okay. And what about Joe Deely? Did you
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20 recollection of?

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22 Q Okay. Now, tell me a little bit about
23 Mr. Oughton. What was his position?

24 A He was a service manager at Oakland.

25 Q Okay.

REPORTER'S CERTIFICATE


I certify that the witness in the foregoing deposition,

MARK CARL SCHULTHIES,

was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled case; that said deposition was taken at the time and place named herein; that the testimony of said witness was reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed under my direction into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the case named in said caption.

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